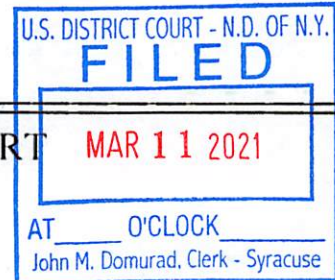


AO 91 (Rev. 11/11) Criminal Complaint



UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

MUHAMMAD Z. AABDIN,)

Defendant)

Case No. 5:21- *my-141 (TWD)*

① NME

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the dates of September 6, 2020 to October 12, 2020 in the county of Onondaga in the Northern District of New York the defendant violated:

Code Section
18 U.S.C. § 201(b)(1)(A)

Offense Description
Offering Bribe to a Public Official

This criminal complaint is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Douglas Herbert, Special Agent, VA OIG

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: *March 11, 2021*
*Judge's signature*City and State: Syracuse, NY

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I. INTRODUCTION

Douglas Herbert, a Special Agent with the Department of Veterans Affairs, Office of the Inspector General (VA OIG), being duly sworn, deposes and says:

1. I have been employed as a Special Agent with VA OIG since 2009. In my current position at VA OIG, my duties include the investigation of allegations of bribery, kickbacks, and other forms of fraud. I have received training through the Federal Law Enforcement Training Center regarding the investigation of fraud, including by completing the Contract and Grant Fraud Training Program, which specifically addressed bribes and kickbacks. Throughout my career as a Special Agent, I have conducted dozens of successfully prosecuted investigations involving fraud of various types.

2. I make this affidavit in support of a criminal complaint charging MUHAMMAD AABDIN with offering a bribe to a public official, in violation of Title 18, United States Code, Section 201(b)(1)(A).

3. I base this affidavit on my training and experience and on information I have personally reviewed and obtained as the primary case agent on this investigation, and I have also based it on information I have received from others, both in person and in documentary form. Since this affidavit is being submitted for the limited purpose of establishing probable cause to support a criminal complaint, I have not included every fact known to me concerning this investigation. Rather, I have set forth only the facts I believe are necessary to establish probable cause to issue the complaint.

II. PROBABLE CAUSE

4. On September 6, 2020, AABDIN sent an email to Department of Veterans Affairs (“VA”) Contracting Officer Denise Edmonds at Denise.Edmonds@va.gov, introducing himself and his company and inquiring about submitting a bid to provide 4000 boxes of N95 face masks to the VA. At all times relevant to this affidavit, Edmonds worked for the VA in Syracuse, New York and was a “public official” pursuant to 18 U.S.C. § 201(a)(1) in that she was “an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof . . . in any official function under or by authority of any such department, agency, or branch of Government.”

5. In response to AABDIN’s September 6, 2020 email, Edmonds informed AABDIN that the VA had stopped accepting quotes for the proposed N95 mask contract. The signature block on Edmond’s email identified her as a “Contracting Officer” for the “Veterans Health Administration,” in the “Regional Procurement Office – East (RPO-E).”

6. On September 9, 2020, AABDIN sent a follow-up email to Edmonds: “Denise I got you [sic] email. I was wondering if we can discuss future projects. I have a cagecode as well. I am not greedy. I can share profits with you.” In subsequent emails AABDIN sent to Edmonds the same day, AABDIN asked her to “keep me in mind for any future projects” because “I can get you any quantities you want,” and he reiterated, “Like I said I am not greedy. I will share my profits with you.”

7. Edmonds reported AABDIN’s profit-sharing offers to VA OIG. After obtaining permission from Edmonds, I created a Gmail account in her name (deniseedmonds660@gmail.com), from which I sent the following email to AABDIN on October 8, 2020, posing as Edmonds:

Good afternoon Mr. Aabdin, this is Denise from VA. You had asked to keep you in mind for anything new coming up and I have a requisition for N95s you may be interested in. If you're serious about sharing profits, I think we can work something out. We should talk about that over my personal phone though and not through VA channels. I don't want my boss to find out. I'm on leave starting this afternoon so if you're interested, email back your phone number and what time is best for you next week and I'll call you.

8. AABDIN responded to the October 8, 2020 email by writing, in relevant part, that he "was hoping you will [sic] reply one day" and that "I am not greedy at all. I believe in sharing." AABDIN's provided his phone number in his response, ***-***-0157, and he stated, "Everyone has to eat at the end of the day. Help me out. We both will make money. Believe me."

9. On October 12, 2020, AABDIN emailed deniseedmonds660@gmail.com and suggested having a phone call to discuss "orders for N95 and more." In another email sent by AABDIN that same day, he wrote, "I would love to get lots of deal [sic]. And get long time contract. So you and I can make money for long time."

10. On October 13, 2020, a female undercover VA OIG agent posing as Edmonds (the "UC") called AABDIN at ***-***-0157 on a recorded line and spoke with him for approximately 16 minutes. During that call, the UC explained that she was a government employee for the VA in the Syracuse area; that AABDIN's offer was not the way government business is normally done; that this would be a "side hustle;" and that "my job would be on the line here" if they went forward. In assuaging the concerns expressed by the UC on this phone call and to reiterate his offer, AABDIN said the following things, among others:

- That he has been a reseller for a long time; that he has gotten government contracts before; and that he is partners with his brother.
- That he could give the UC the "best price" for masks and that "whatever is the profit, I'll share with you"

- “So let’s say hypothetically, your bid came to \$3.89 [per mask] last time, so that’s, you know, times that by 100,000, and, uh, I’ll, I’ll lower the price. And, uh, I’ll let you know what the cost is and what will be the profit. And on the side, I’ll give you what you want, and then I’ll take the rest”; and
- “I’m not greedy, honestly. I, uh, and I know I keep on stressing this that everybody has to eat, you know? If I can get consistent this one deal, once it goes through smooth and everybody’s happy, hopefully, I could get more contracts, you know, I could bit and, you know, you could let me know who’s the highest [sic] bidder, and then I could lower the price a little. We could win the project, and you know, obviously, you know, on each deal, you get a kickback.”

11. AABDIN also promised on the October 13, 2020 call that he would provide an exact price for the N95 masks the following day.

12. On October 14, 2020, AABDIN sent text messages from ***-***-0157 to the phone number he had been given for Edmonds, which was monitored by me and the UC. Posing as Edmonds, the UC exchanged the following text messages with AABDIN over the next three days:

AABDIN: “Hey denise. This is Aabdin. The price will be \$3.15/pc.”

“Edmonds”: “Good morning Aabdin—is \$3.15 the price that you buy at? Or the price you want to bid to the VA?”

AABDIN: “Selling price will be \$3.40”

AABDIN: “So me and you can get nice profit.”

. . . .

“Edmonds”: “25k total profit on the masks then. What will my share be if I can make sure you get the bid?”

AABDIN: “How much you want”

“Edmonds”: “What have your arrangements in the past been? I don’t want to be greedy either—just fair.”

AABDIN: "Its me, you and, my partner. If I divide 25k by 3. It will be 8,333.333."

"Edmonds": "I like that offer. Who's this partner though? I need to know who I'm in business with first. There are risks involved for me—and you."

AABDIN: "It's my brother."

AABDIN: "My brother happens to be working with 3M."

"Edmonds": "Ok, I trust if its family then. Your brother (name?), has be [sic] been working with 3M for a while? He's re-sale?"

AABDIN: "Yea"

AABDIN: "Name is Raj."

13. On January 14, 2021, two VA OIG agents—one of whom was the UC—interviewed AABDIN at his home in New York City, after he agreed to speak with them. During the interview, which was recorded, AABDIN provided the following information:

- He has worked in construction and in the "import/export" business for many years;
- He currently works for ABC Supply, which is the largest roofing and vinyl siding wholesale distributor in the United States;
- He started his own company recently (in the past year) in order to branch out, hoping to get contracts;
- He has not ever had a government contract before, either from state, local, or federal government; and
- He continues to look for government contracts; the day before the interview, he was looking at the possibility of bidding on one.

14. AABIN also provided information about his attempts to get contracts with the VA, including as quoted in the following transcribed excerpts of the January 24, 2021 interview:

AGENT:¹ “[I]n your communications with Denise . . . [you] basically eventually offered to split profits with her if she could procure contracts?”

AABDIN: “I – at that point, yes, I did, but at the same time, uh, I was in a – again, not the opportunity I got, you know, so—”

. . . .

AGENT: “Okay. I mean, is – what were your intentions with splitting the profits with her?”

AABDIN: “Well, I mean, if, uh, I won the contract, obviously, and, uh, which is material was going to there, and then I would, you know, give her just for a good, uh, as a gift I will give it to her, you know, and that.”

AGENT: “Okay. Well, you’re – it appears that you said you’re aware of all the government regulations?”

AABDIN: “Come again?”

AGENT: “You said – you just kind of acknowledged that you’re aware of government regulations that regulate like profit and percentages and stuff?”

AABDIN: “Right”

AGENT: “Um, there’s government regulations also governing, uh, giving contractors gifts.”

AABDIN: “As – as a gift, I can, but it – it’s not like I’m, um, bribing her, right, so—”

AGENT: “Well, I think your messages said yes, you’re willing to split the profits, uh, you’re not greedy, um, I – I think actually you did specifically even use the word kickback in a phone call.”

AABDIN: “Yeah. I did say. Yeah.”

AGENT: “Okay.”

¹ Two agents interviewed AABDIN on January 24, 2021. For purposes of this affidavit, the excerpts from the transcription of their interview of AABDIN do not differentiate between the questions asked by the UC and those asked by her fellow agent.

AABDIN: "But that's again, it could be a profit, it could be a gift, you know, you—"

....

AGENT: "Are you aware that – I mean, as far as the government's concerned, I mean, kickback and bribe are kind of used synonymously. They're this kind of one in the same."

AABDIN: "Come again one more time?"

AGENT: "The word – you used the word kickback specifically. It's a pretty specific word to use, um, you're – you've been in the import/export business kind of through your family for a long time and through contracts. I – I assume you know what the word kickback means."

AABDIN: "No, I know what the kickback means, but I'm just saying that it's just for, you know, I would say kickback in the way you helping me, and so it—"

AGENT: "So, I mean, was your intention that you were hoping that she would steer – help steer and get you the contracts because you were going to offer her a gift?"

AABDIN: "Yes, and – yeah."

AGENT: "So you're offering the – offering her the gift so that she would give you the contract?"

AABDIN: "Right. Right."

15. During the interview, AABDIN also admitted that he lied when he informed "Edmonds" that he had a way to get N95 masks from 3M, as he does not have a direct connection to 3M masks, and he was not positive he would be able to source any masks from 3M.

16. Based on what I have learned in my investigation, I have probable cause to believe that AABDIN offered a bribe in the form of a kickback to a public official to influence


the performance of an official act, in that AABDIN specifically intended to give Edmonds, a VA contracting officer, a kickback of profits from VA contracts in exchange for her taking official action on his behalf, including by giving him nonpublic information about contract bids submitted by other contractors; awarding VA contracts to him and recommending that VA contracts be awarded to him; and arranging for contractual payments to him on behalf of the VA, all in violation of 18 U.S.C. § 201(b)(1)(A).

III. CONCLUSION

17. In light of the foregoing, I respectfully submit there is probable cause to believe that MUHAMMAD AABDIN has offered a bribe to a public official in violation of 18 U.S.C. § 201(b)(1)(A), in Onondaga County, in the Northern District of New York, and elsewhere, as described above and as charged in the accompanying complaint.

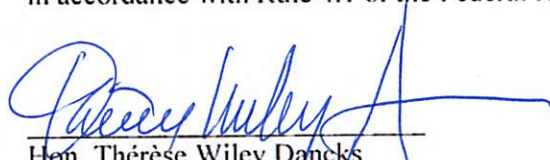
18. Accordingly, I respectfully urge this Court to sign the accompanying complaint and requested arrest warrant.

Attested to by the affiant:



Douglas Herbert
Special Agent
VA OIG

I, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on March 11, 2021, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Hon. Thérèse Wiley Dancks
United States Magistrate Judge